IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO.896 OF 1979

1. Jer Khurshed Bardi & ors. Petitioners
vs.
1. State of Maharashtra & ors. Respondents

Mr. N.H.Seervai, senior counsel with Mr.F.P.Pooniwala with Mr.K.D.Mehta i/b. M/s.Payne & Co. for the petitioners.

Mr.P.G. Lad, Assistant Government Pleader for the respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 9th June 2005

P.C.

Heard.

2. Mr.N.H.Seervai, the learned senior counsel for the petitioners invited our attention to the order passed by the Division Bench in Writ petition No.895/1979 on June 28, 2004. The learned senior counsel submitted that the subject matter of the present writ petition pertains to the land title of which is in serious dispute and title suit is pending. The learned senior counsel prayed for withdrawal of this writ petition with liberty to the petitioners to take out appropriate legal proceedings including by way of writ petition after the decision in

the title Suit being Suit No.679/1973 pending before this Court. The learned senior counsel prayed that in the meantime the interim orders passed by this Court in the present writ petition may be ordered to remain operative.

3. Mr.P.G.Lad, the learned Assistant Government Pleader has no objection if the writ petition is allowed to be withdrawn and the liberty is granted and the interim orders in relation to the subject property passed in the present writ petition are ordered to remain operative in the meanwhile.

4. In the light of the submissions of the learned senior counsel and the counsel for the parties, we dispose of the writ petition by the following order:

(i) The writ petition is allowed to be withdrawn with liberty to the petitioners to take out appropriate legal proceedings including by way of writ petition after disposal of pending suit being Suit no.679/1973 in respect of the subject land.

(ii) All interim orders passed by this Court in the present writ petition in respect

of the subject land shall continue until disposal of the suit referred to above and for a period of eight weeks thereafter.

No costs.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)